

# Notice of Allowability

Application No.

09/516,736

Examiner

Rob Wu

Applicant(s)

ZARING ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response file March 22, 2007.
2. ☒ The allowed claim(s) is/are 1-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James A. Leiz on June 8, 2007.

The application has been amended as follows:

With respect to claims 41-71, the claims are directed to a machine-readable medium and machine-program logic. Claims 41-71 are amended to direct to a computer-readable medium and computer-program logic. For example:

Claim 41. A computer machine -readable medium for use in interactive wagering on races that is implemented using a cellular telephone comprising computer machine program logic recorded thereon for:

Receiving at the cellular telephone racing data on races that have not been run and that a user is allowed to place wagers on;

After receiving the racing data, allowing the user to select to present the received racing data in audio form or visual form;

Presenting the racing data on the races that have not been run and that the user is allowed to place wagers on using the cellular telephone based on the user selection; and

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Providing interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run using the cellular telephone.

***Allowable Subject Matter***

2. Claims 1-71 are allowed over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record are U.S. Pat No. 6,099,409 to Brenner et al, U.S. Pat No. 5,999,808 to LaDue and MOGID: Mobile Geo-depended Information on Demand by Dr Peter Balsiger.

Brenner et al disclose an interactive wagering system that allows users to place bets and view race video and audio from a user terminal.

Ladue discloses a handheld control channel application data (CCAD) gaming communicator for placing bets that can operate like a portable video caddy and contains a plurality of cellular transceivers. The CCAD gaming communicator is capable of operating as a full voice support system and is capable of downloading and displaying a slow scan video images.

The MOGID article disclose a method of user setting the preferences of mobile terminal to receive data in various formats such video or voice.

As per claims 1, 32, 35, 36, 37, 40 and 41, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest a cellular telephone allowing the user to select whether to present racing data in audio or visual form after the racing data have been received by the cellular telephone. Claims 2-31 depend upon claim 1 and have all the limitations of claim 1 and are allowable for the same reason. Claims 33 and 34 depend upon claim 32 and have all the limitations of claim 32 and are allowable for the same reason. Claims 38 and 39

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depend upon claim 37 and have all the limitations of claim 37 and are allowable for the same reason. Claims 42-71 depend upon claim 41 and have all the limitations of claim 41 and are allowable for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

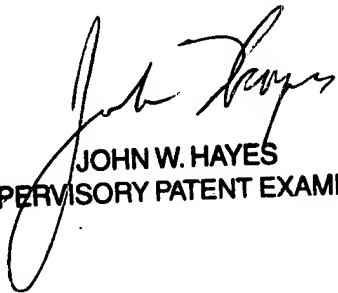
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER